

FRANNY A. FORSMAN
Federal Public Defender
State Bar No. 000014
RICHARD FRANKOFF
Texas Bar No. 07384300
Assistant Federal Public Defender
411 E. Bonneville Avenue, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577 (Voice)
(702) 388-6261 (Fax)

Attorneys for Defendant,
JAN ALAN LINDSEY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAN ALAN LINDSEY,

Defendant.

2:09-cr-077-JCM-PAL

STIPULATION TO CONTINUE
MOTION AND TRIAL DATES
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Gregory A. Brower, United States Attorney, and Eric Johnson, Assistant United States Attorney, counsel for the United States of America; and Franny A. Forsman, Federal Public Defender, and Richard Frankoff, Assistant Federal Public Defender, Counsel for Jan Alan Lindsey, that Calendar Call scheduled for July 29, 2009, at the hour of 1:30 p.m. and Trial currently scheduled for August 3, 2009, at the hour of 9:00 a.m., be vacated and set to a date and time to be set by the court, but no event earlier than ninety (90) days.

IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and including August 21, 2009 by the hour of 4:00 p.m., within which to file any and all pretrial motions and notices of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they have to and including September 1, 2009, by the hour of 4:00 p.m. within which to file any and

1 all responsive pleadings.

2 IT IS FURTHER STIPULATED AND AGREED, by and between the parties that
3 they shall have to and including September 4, 2009 by the hour of 4:00 p.m. within which to file any
4 and all replies to dispositive motions.

5 This Stipulation is entered into for the following reasons:

6 1. On June 22, 2009, defense counsel received six (6) compact discs containing
7 documents from the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms
8 and the Internal Revenue Service. The defendant's attorney has not yet reviewed these items. Also,
9 Defendant's attorney will be out of the district from July 2, 2009 to July 27, 2009.

10 2. The defendant is not incarcerated and does not object to the continuance.

11 3. The parties agree to the continuance.

12 4. Denial of this request for continuance would deny counsel for defendants
13 sufficient time within which to be able to effectively and thoroughly research, prepare and submit
14 for filing appropriate pretrial motions and notices of defense, taking into account the exercise of due
15 diligence.

16 5. The additional time requested by this Stipulation is excludable in computing
17 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
18 United States Code Sections 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),
19 considering the factors under Title 18, United States Code.

20 6. This is the second request for continuance filed herein.

21 DATED this 25th day of June, 2009.

22
23 FRANNY A. FORSMAN,
24 Federal Public Defender

GREGORY A. BROWER
United States Attorney

25 /s/ Richard Frankoff

/s/ Eric Johnson

26 By _____
27 RICHARD FRANKOFF
Assistant Federal Public Defender
Counsel for Defendant

By _____
ERIC JOHNSON
Assistant United States Attorney
Counsel for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

09-cr-077-JCM-PAL

Plaintiff,

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

vs.

JAN ALAN LINDSEY,

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On June 22, 2009, defense counsel received six (6) compact discs containing documents from the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms and the Internal Revenue Service. The defendant's attorney has not yet reviewed these items. Also, Defendant's attorney will be out of the district from July 2, 2009 to July 27, 2009.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. Denial of this request for continuance would deny counsel for defendants sufficient time within which to be able to effectively and thoroughly research, prepare and submit for filing appropriate pretrial motions and notices of defense, taking into account the exercise of due diligence.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code Sections 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code.

6. This is the second request for continuance filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion and trial dates.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, Section, Sections 3161(h)(7)(A), when the considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER


IT IS THEREFORE ORDERED that the parties herein shall have to and including August 21, 2009 by the hour of 4:00 p.m. within which to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including September 1, 2009 by the hour of 4:00 p.m. within which to file any and all responsive pleadings.

IT IS FURTHER ORDERED that the parties shall have to and including September 4, 2009 by the hour of 4:00 p.m. within which to file any and all replies to dispositive motions.

IT IS FURTHER ORDERED that the calendar call currently scheduled for July 29, 2009, at the hour of 1:30 p.m.; be vacated and continued to **11-12-2009 at 1:30 p.m.**, _____ and the Trial currently scheduled for August 3, 2009, at the hour of 9:00 a.m., be vacated and continued to **11-16-2009 at 9:00 a.m.**

DATED June 29, 2009.


UNITED STATES DISTRICT JUDGE